

REMARKS

Reconsideration of the application, as amended, is respectfully requested.

Independent claims 1 and 18

The Office has asserted in the previous Office Action that a soybean nut as disclosed by Maxwell et al. would be considered a nugget. Claims 1 and 18 recite that the nuggets contain 50% wt. to 100% wt. of soy and/or rice protein (see page 9, 2nd paragraph). The Office has pointed to no teaching suggesting that soy nuts include such protein levels. Therefore, independent claims 1 and 18 do not appear to be obvious from the cited references.

Cook et al. and Heidlas et al. teach the use of glycerol in food bars. However, the Office has so far failed to explain convincingly what the incentive is for a skilled person to combine the teachings of Maxwell et al. with those of Cook et al. and/or Heidlas et al. The mere fact that Cook et al. and Heidlas et al. teach food bars containing glycerol does not in itself provide an incentive to modify the health bars according to Maxwell et al. by including glycerol. The Office states that glycerol is known as a humectant but does not indicate why Maxwell et al. would require a humectant and, therefore, why it would be obvious to incorporate glycerol in Maxwell et al.'s bars.

In addition to the change in the level of protein in the nuggets, claim 18 has been amended to correct a formal error in the order of elements.

Independent claim 14

Applicants' position that the Office has not established that there was an incentive for a skilled person to incorporate in the health bars of Maxwell et al. about 2% wt. or more of a humectant selected from the group of diol and triol polyols and sorbitol is also relevant to independent claim 14. Consequently, applicants request that rejection of claim 14 for obviousness be withdrawn.

Independent claim 16

Claim 16 has been amended to recite that the nutritional bar comprises at least one transition or transition metal compound wherein the compound is selected from oxides, carbonates and phosphates (page 11, 3rd full paragraph) or wherein the at least one transition metal or transition metal compound is substantially encapsulated in an encapsulation matrix comprising an encapsulation material selected from the group consisting of edible waxes (basis on page 12, line 31), a carbohydrate selected from alginates and pectins (page 13, lines 17-18), a mixture of sodium caseinate and gum arabic, a mixture of sodium caseinate and carrageenan, a mixture of sodium caseinate and agar agar, a mixture of beta-lactoglobulin and Gum arabic, a mixture of beta-lactoglobulin and carrageenan, or a mixture of beta-lactoglobulin and agar agar (page 13, lines 21-25).

Present claim 16 is even further distinguished from Maxwell et al.'s bar. Moreover, it is not apparent why one of ordinary skill would be led by the references to modify Maxwell et al.'s bar to combine the features and compounds or encapsulates recited in claim 16 absent hindsight gained from applicants' disclosure.

In view of the foregoing, it is respectfully requested that the application, as amended,

be allowed.

Respectfully submitted,



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